

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Maurice Davis,

Plaintiff,

Case No. 2:24-cv-4231

v.

Judge Michael H. Watson

Zachary Gould, et al.,

Magistrate Judge Litkovitz

Defendants.

ORDER

Maurice Davis (“Plaintiff”) proceeds without the assistance of counsel and without prepayment of fees. After screening Plaintiff’s Complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, the Magistrate Judge issued a Report and Recommendation (“R&R”), recommending, among other things, that the Court dismiss all of Plaintiff’s claims as time-barred. R&R, ECF No. 8. Specifically, the R&R notes that the Complaint complains of actions that occurred in October 2020 but was not filed until November 2024.¹ *Id.* at 5–7. The R&R concludes that this is well past the two-year statute of limitations and that Plaintiff’s alleged fear of retaliation is not specific enough to support equitable tolling. See *id.* at 6, n.3.

¹ The Complaint is deemed filed on the date it is submitted to the prison mail system, which the Court construes generously as November 27, 2024, in this case. See Compl., ECF No. 5 at PAGEID # 43.

The R&R was mailed to Plaintiff at his address of record. It notified Plaintiff of his right to object to the recommendations contained therein and warned Plaintiff that a failure to timely object would forfeit Plaintiff's rights to de novo review and to appeal an adoption of the R&R. *Id.* at 8.

Under the prison mailbox rule, Plaintiff's objections were due by April 3, 2025, but the Court waited more than three additional weeks to account for any delay with the prison mail. Plaintiff has not objected. Accordingly, the Court **ADOPTS** the R&R without further review and **DISMISSES WITH PREJUDICE** Plaintiff's Complaint as time-barred.

The Clerk shall enter judgment for Defendants and terminate the case.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT